IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 1339 OF 2000

IN

SUMMARY SUIT NO. 4047 OF 2000

The Associated Cement Companies Ltd .....**Plffs.**
vs.
Pannaben Prakash Desai .....**Defnds.**

B. Colabawala i/b. Rustomji and Ginwala for the plffs.

Ms. Nasim Patrawala i.b. P. Mehta and Mithi and Co. for the defends.

CORAM: S.U. KAMDAR, J.

DATE : 30TH AUGUST, 2005.

P.C. :.

1. Prima-facie the present case is barred by the law of limitation. In para-9 of the plaint the plaintiff has shown the last payment received on 17.9.97. According to the defendant it has been

paid on 5.9.92. If I take the dated 17.9.97 as correct date still the suit is barred by the law of limitation. In view thereof unconditional leave to defend.

2. suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes. In view thereof summons for Judgment dismissed.

sd/-

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